

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
IMMIGRATION AND CUSTOMS ENFORCEMENT
AND
LOCAL, COUNTY, OR STATE LAW ENFORCEMENT AGENCY
FOR THE REIMBURSEMENT OF JOINT OPERATIONS EXPENSES FROM
THE TREASURY FORFEITURE FUND**

This Memorandum of Understanding (hereafter, "agreement") is entered into by the Colorado State Patrol (NCIC COCSP0000) and Homeland Security Investigations (HSI), Immigration and Customs Enforcement (ICE), for the purpose of reimbursing costs incurred by the Colorado State Patrol in providing resources to joint operations/task forces.

Payments may be made to the extent that they are included in the ICE Fiscal Year Plan and the funding is available in the Treasury Forfeiture Fund to satisfy request(s) for the reimbursement of overtime and other law enforcement expenses related to joint operations.

I. LIFE OF THIS AGREEMENT

This agreement becomes effective on the date it is signed by both parties and will remain in force unless explicitly terminated, in writing, by either party.

II. AUTHORITY

This agreement is established pursuant to the provisions of 31 U.S.C. 9703, the Treasury Forfeiture Fund Act of 1992, which provides for the reimbursement of certain expenses incurred by local, county, and state law enforcement agencies as participants of joint operations/task forces with a federal agency participating in the Treasury Forfeiture Fund.

III. PURPOSE OF THIS AGREEMENT

This agreement establishes the responsibilities of both parties and the procedures for the reimbursement of certain overtime expenses and other law enforcement expenses pursuant to 31 U.S.C. 9703.

IV. APPLICABILITY OF THIS AGREEMENT

This agreement is valid for all joint investigations led by HSI with the participation of the Colorado State Patrol and until terminated, in writing, by either party.

V. TERMS, CONDITIONS, AND PROCEDURES

A. Assignment of Officers

To the maximum extent possible, the Colorado State Patrol shall assign dedicated officers to HSI investigations or joint operations. The Colorado State Patrol shall provide HSI with the names, titles, last four digits of SSNs, badge or ID numbers, and hourly overtime wages of the officers assigned to the joint operation.

B. Submission of Requests for Reimbursement and Supporting Documentation

1. The Colorado State Patrol may request the reimbursement of overtime salary expenses directly related to work on a joint operation with HSI performed by officers assigned to this joint operation. Other investigative expenses (i.e., travel, fuel, training, equipment and other similar costs) incurred by members of the designated joint operation may also be reimbursable.

Requests for reimbursement of overtime expenses should be submitted to the Special Agent in Charge, 5445 DTC Parkway, Suite 600, Greenwood Village, Colorado 80111, within thirty (30) days after the overtime costs have been incurred.

The Colorado State Patrol may not request reimbursement of the same expenses from any other Federal law enforcement agency that may also be participating in the investigation.

2. Reimbursement payments will not be made by check. The Colorado State Patrol must ensure that the U.S. Customs and Border Protection, National Finance Center (CBP/NFC) has a current ACH form on file for the receipt of reimbursable expenses by electronic funds transfer. The completed, signed ACH form must be sent to:

U.S. Customs and Border Protection
National Finance Center
Attn: Eliot VanVelzen - Forfeiture Fund Team
6650 Telecom Drive, Suite 100
Indianapolis, IN 46278

If any of the requesting agency's bank account information changes, a new ACH form must be completed and provided to the NFC as soon as possible.

3. In order to receive reimbursement of officers' overtime and other expenses related to joint operations, the Colorado State Patrol must submit the "Local, County, and State Law Enforcement Agency Request for Reimbursement of Joint Operations Expenses" (invoice), signed by an authorized representative of the agency, and accompanied by a request for reimbursement on agency letterhead, along with supporting documents (i.e., copies of time sheets or receipts).
4. The Colorado State Patrol remains fully responsible, as the employer of the officers assigned to the investigation, for payment of overtime salaries and related benefits (tax withholdings, insurance coverage, etc.) and all other requirements under the law, regulation, ordinance, or contract, regardless of the reimbursable overtime charges incurred. The Treasury Forfeiture Fund will reimburse overtime salaries only; benefits are not reimbursable.

5. The maximum reimbursable entitlement for overtime worked on behalf of joint investigations is set at \$15,000 per officer per year.
6. Requests for reimbursement of joint operations overtime and/or other expenses must be submitted to the Special Agent in Charge, Greenwood Village, Colorado, for certification and forwarding for payment.

VI. PROGRAM AUDIT

This agreement and its provisions are subject to audit by ICE, the Department of the Treasury/Office of Inspector General, the General Accounting Office, and other government designated auditors. The Colorado State Patrol agrees to permit such audits and agrees to maintain all records relating to these transactions for a period of not less than 3 years and, in the event of an ongoing audit, until the audit is complete.


These audits may include reviews of any and all records, documents, reports, accounts, invoices, and receipts of expenditures related to this agreement, as well as interviews of any and all personnel involved in these transactions.


VII. REVISIONS

The terms of this agreement may only be amended upon the written approval of both parties. The revision becomes effective on the date of approval.

VIII. NO PRIVATE RIGHT CREATED

This is an internal government agreement between ICE and the Colorado State Patrol and is not intended to confer any right or benefit to any private person or party.


John Eisert, Acting Special Agent in Charge
U.S. Immigration & Customs Enforcement
Homeland Security Investigations
3445 DTC Parkway, Suite 600
Greenwood Village, Colorado 80111

 LTC BRONDA LEFFLER
David Santos, Major
Colorado State Patrol
Criminal Investigations Branch
15055 South Golden Road
Golden, Colorado 80401

Date: 10/2/14

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